

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MARIA FOREST, LARYSA NAZARENKO,
SVITLANA ANTOSHCHENKO, and GLENNICE
SIMON, individually and on behalf of all persons
similarly situated,

Plaintiffs,

vs.

CITY OF NEW YORK, GARY JENKINS, in his
official capacity as Commissioner, New York City
Department of Social Services, and LISA
FITZPATRICK, in her official capacity as
Administrator, New York City Human Resources
Administration,

Defendants.

Civ.

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all of the pleadings herein, Plaintiffs Maria Forest, Larysa Nazarenko, Svitlana Antoshchenko, and Glennice Simon, individually and on behalf of all others similarly situated, hereby move the Court, through undersigned counsel, for an order certifying this matter as a class action, pursuant to Rule 23 of the Federal Rules of Civil Procedure. In support of this motion, Plaintiffs aver as follows:

1. The plaintiffs request certification of a class consisting of the following individuals:

All New York City residents who, since March 19, 2020, applied or recertified, attempted to apply or recertify, are applying or recertifying, or will apply or recertify for SNAP and/or cash assistance benefits; and for whom HRA has not or will not timely process such applications or recertifications, or who have been or will be unable to complete their applications or recertifications due to HRA's systems, policies, practices, and procedures.

2. This action meets the requirements of Fed. R. Civ. P. 23(a), as follows:

- a. The proposed class is so numerous that joinder of all members is impracticable;
 - b. There are questions of law or fact common to the proposed class;
 - c. The claims or defenses of the representative parties are typical of the claims or defenses of the proposed class; and
 - d. The representative parties will fairly and adequately protect the interests of the proposed class.
3. This action further meets the requirements of Fed. R. Civ. P. 23(b)(2), in that the defendant opposing the plaintiff's proposed class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

WHEREFORE, as more fully discussed in the accompanying Memorandum in Support of Plaintiffs' Motion for Class Certification, Plaintiffs Maria Forest, Larysa Nazarenko, Svitlana Antoshchenko, and Glennice Simon, by their undersigned attorneys, hereby respectfully request that the Court certify the proposed class under Rule 23 of the Federal Rules of Civil Procedure.

Dated: January 27, 2023
New York, New York

Respectfully submitted,

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